

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CARL F.,¹

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil No. 2:21cv563

FINAL ORDER

Before the Court is Plaintiff Carl F.’s action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying Daisy F.’s claim for disability insurance benefits under the Social Security Act. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated January 14, 2022 (ECF No. 8), this matter was referred to United States Magistrate Judge Lawrence R. Leonard for a Report and Recommendation.

On April 25, 2022, Plaintiff filed a motion for summary judgment. ECF No. 12. On May 24, 2022, the Commissioner filed a motion for summary judgment. ECF No.

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

15. On December 15, 2022, Judge Leonard filed a report and recommended that Plaintiff's motion be granted, that the Commissioner's motion be denied, and that the final decision of the Commissioner be vacated and remanded. ECF No. 17. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within 14 days from the date of mailing of the report. *Id.* at 18.

The Court has received no objections to the report, and the time for filing the same has expired. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee's Note). Finding no clear error, the Court does hereby accept the findings and recommendations set forth in the report and recommendation of Magistrate Judge Leonard.

Plaintiff's Motion for Summary Judgment (ECF No. 12) is **GRANTED**, and the Commissioner's Motion for Summary Judgment (ECF No. 15) is **DENIED**. The final decision of the Commissioner is **VACATED**, and this matter is **REMANDED** for further consideration consistent with this Order.

The parties are **ADVISED** that an appeal from this Final Order may be commenced by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. This written notice must be received by the Clerk within sixty days from the date of this Final Order.

The Clerk is **REQUESTED** to provide a copy of this Order to all parties.

IT IS SO ORDERED.

March 3, 2023
Norfolk, Virginia

/s/
Arenda L. Wright Allen
United States District Judge